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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,915	02/12/2002	Koji Sugita	Q68115	3774
7590	10/22/2004		EXAMINER	
SUGHRUE, MION, ZINN, MACPEAK & SEAS 2100 Pennsylvania Avenue, N.W. Washington, DC 20037-3202				MAGEE, CHRISTOPHER R
		ART UNIT	PAPER NUMBER	2653

DATE MAILED: 10/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/072,915	SUGITA ET AL.	
Examiner	Christopher R. Magee	Art Unit	2653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 6/30/2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1 and 3-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 4 is/are allowed.
- 6) Claim(s) 1,3, 5, 7 and 8 is/are rejected.
- 7) Claim(s) 6 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Response to Amendment

The reply filed 6/30/2004 was applied to the following effect:

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

- Claims 1 and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Inoue (US 6,404,720 B1).

➤ Regarding claim 1, Inoue discloses shows an open and close mechanism for inserting a recording medium into a medium container [Fig. 20], comprising:

 a recording medium insertion path [shown by arrows a & b → in Fig. 20] allowable to pass the recording medium [1] there through;

 an open and close device [21] for opening and closing the recording medium insertion path;

 a driving device [34] for operation said open and close device to open the recording medium insertion path; and

 a locking device [91] for locking open and close operation of the open and close device when the open and close device closes the recording medium insertion path [Fig. 33],

wherein said locking device [91] releases a locking condition of the open and close device when the driving device [21] operates the open and close device to open the recording medium insertion path [col. 14, lines 23-47],

wherein the locking device [91] does not exert a driving force for operating the open and close device [col. 4, lines 23-47; Fig. 33].

➤ Regarding claim 8, Inoue discloses an apparatus, comprising:
a door [21] that opens and closes an insertion path of a recording medium;
a lock that [91] secures the door [21] when the door is in a closed position;
wherein the lock [91] is released when the door is moved to an open position,
wherein the lock [91] does not exert a driving force to move the door to the open position or the closed position [col. 14, lines 23-47; Fig. 33].

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

• Claims 3, 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kusumi et al. (hereinafter Kusumi) (US 6,690,528 B1) in view of Inoue (US 6,404,720 B1).

➤ Regarding claims 3, 5 and 7, Kusumi shows an open and close mechanism for a recording medium insertion path, for inserting a recording medium into a mechanical body of a record playback device and ejecting the same therefrom, [Fig. 3], comprising:

a recording medium insertion path [shown by arrow → in Fig. 1] allowable to pass the recording medium there through;

an open and close device for opening and closing the recording medium insertion path [Figs. 3 and 4] ;

a driving device [58] for operating said open and close device to open the recording medium insertion path, and the driving device installed in the mechanical body, wherein said locking device [57] releases a locking condition of the open and close device when the driving device operates the open and close device to open the recording medium insertion path [col. 6, lines 25-36],

wherein said open and close device comprises:

a open and close door [44] provided rotatably about a center of a pivot shaft 30a extending along a direction of width of the recording medium insertion path and rotating about the center of said pivot shaft for opening and closing the recording medium insertion path [see Fig. 4];

a door gear [57] rotating together with the open and close door operation of opening and closing the recording medium insertion path; and

an energizing device [64] for energizing the door gear [57] for closing the open and close door of the recording medium insertion path, wherein the door gear is rotated by the driving device for opening the open and close door of the recording medium insertion path, wherein the locking device locks the open and close door rotating about the center of the pivot shaft when closing the recording medium insertion path and allows

the open and close door rotating about the center of the pivot shaft when the driving device rotating the door gear [col. 6, lines 18-44].

Kusumi does not show a locking device for locking open and close operation of the open and close device when the open and close device closes the recording medium insertion path wherein the locking device does not exert a driving force for operating the open and close device.

However, Inoue discloses a locking device [91] for locking open and close operation of the open and close device when the open and close device closes the recording medium insertion path [Fig. 33], wherein said locking device [91] releases a locking condition of the open and close device when the driving device [21] operates the open and close device to open the recording medium insertion path [col. 14, lines 23-47], and the locking device [91] does not exert a driving force for operating the open and close device [col. 4, lines 23-47; Fig. 33].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the open and close device of Kusumi with a locking device as taught by Inoue.

The rationale is as follows: One of ordinary skill in the art at the time of the invention would have been motivated to provide the open and close device of Kusumi with a locking device as taught by Inoue in order to prevent double insertion while recording or reproducing data on or from a recording medium [Inoue; col. 14, lines 37-40].

Allowable Subject Matter

3. Claim 4 is allowed. The following is a statement of reasons for the indication of allowable subject matter:

- **Claim 4** specifies an open and close mechanism for a recording medium insertion path, which requires:

“a cam member being rotated together with the door gear by the driving device when the driving device rotates the door gear; a convex portion projecting toward the pivot shaft from the cam member; and a concave portion formed concavely on an outer surface of the pivot shaft, wherein the convex portion goes into the concave portion to lock the open and close door rotating about the center of the pivot shaft when the open and close door closing the recording medium insertion path, wherein the cam member rotates together with the door gear for moving the convex portion in the concave portion and getting the same out the concave portion to allow the open and close door rotating about the center of the pivot shaft when the door gear is rotated by the driving device.”

Neither Kusumi '528 and/or Inoue '720 teach or suggest as claimed in the present invention. Therefore, these features, in combination with other features of claim 4, are not anticipated by, nor made obvious over, the prior art of record of Kusumi '528 and/or Inoue '720.

- Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

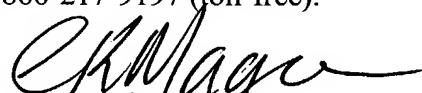
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher R. Magee whose telephone number is (703) 605-4256. The examiner can normally be reached on M-F, 8: 00 am-5: 30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (703) 305-6137. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

October 18, 2004



Christopher R. Magee
Patent Examiner
Art Unit 2653

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